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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/656,551	SMETTERS ET AL.
	Examiner	Art Unit	
	KHAI M. NGUYEN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 December 2008</u>.
2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-25</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/18/2008 have been fully considered but they are

not persuasive.

Regarding claims 1, 7, and 13, Applicant argues, of the remarks, that Balfanz in

view of Weiner, Hermann, Lowensohn and Hein do not disclose, teach, or suggest

"bidirectional location-limited channel; and receiving from the provisioning over the

bidirectional."

Balfanz and Hein clearly disclose a bidirectional (see Hein, [0006]) location-

limited channel (see Balfanz, [2.1]); and receiving from the provisioning (item 52) over

the bidirectional (from item 53) (see Hein, [0006]-[0007] and [0087] (bi-directional

communication channel)).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Balfanz et al. (Talking to Strangers: Authentication in Ad-Hoc Wireless Networks) in

view of Weiner et al. (U.S.Pub-20060030759), in view of Hermann, Reto (EP 1024626),

in view of Lowensohn et al. (U.S.Pub-20040230809), and further in view of Hein et al.

(U.S.Pub-20040215488).

Regarding claim 1, Balfanz teaches a computer controlled method comprising:

establishing communication between the medical sensor (item A) and a

provisioning device (Item B) over a bidirectional (not show) location-limited channel

(fig.3, [2.1]), the wireless sensor configured to send the security credential to the

provisioning device over the location-limited channel (fig.3, [2.1]-[3]) and to receive a

commitment from the provisioning device over the location-limited channel (fig.3, [2]-

[3]);

receiving from the provisioning over the bidirectional (not show) location-limited

channel ([2.1]) at least one of provisioning information or additional application-specific

information, site-specific information, network-specific information, or other information

that can be used by the wireless sensor (not show), wherein the provisioning

information includes a credential (fig.3, [2]-[3]) and wherein the credential facilitates the

wireless sensor become a member of a secure credential infrastructure (fig.5, section

4.1, [1]-[2]); and

Balfanz fails to specifically disclose providing a security credential to a medical

wireless sensor associated with a patient at an enrollment station associated with a

medical facility.

However, Weiner teaches providing a security credential ([0058]) to a medical wireless sensor associated with a patient (item 22) at an enrollment station associated with a medical facility ([0099]-[0110]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Weiner to Balfanz to detect the identity of the particular patient and inform the central station of the identity of that particular patient.

Balfanz and Weiner fail to specifically disclose receiving at least one of provisioning information or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the wireless sensor.

However, Hermann teaches receiving at least one of provisioning information ([0020]) or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the wireless sensor ([0021]).

Therfore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hermann to Balfanz and Weiner to prevent any accidental information exchange.

and, Balfanz, Weiner and Hermann fail to specifically disclose automatically configuring the wireless sensor for transmitting sensor information over a secure communication channel responsive to the provisioning information.

However, Lowensohn teaches automatically configuring the wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to the provisioning information (fig.1, and 4, [0009]-[0010], [0059]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz, Weiner and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Weiner, Hermann and Lowensohn fail to specifically disclose a bidirectional; and receiving from the provisioning over the bidirectional.

However, Hein teaches a bidirectional ([0006]); and receiving from the provisioning over the bidirectional ([0006]-[0007] and [0087]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hein to Balfanz, Weiner, Hermann and Lownsohn to provide program to be executed can be done in a simple and securer way.

Regarding claim 2, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer controlled method of claim 1, wherein the provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 3, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer controlled method of claim 1, wherein the provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 4, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer controlled method of claim 3, further comprising transmitting the sensor information over the secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 5, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer controlled method of claim 1, wherein the provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, [0038], [0043]).

Regarding claim 6, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer controlled method of claim 1, wherein the wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 7, Balfanz teaches a computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method comprising steps of:

establishing communication between the medical sensor (item A) and a provisioning device (Item B) over a bidirectional (not show) location-limited channel (fig.3, [2.1] and 3), the wireless sensor configured to send the security credential to the provisioning device over the location-limited channel (fig.3, [2.1]-[3]) and to receive a commitment from the provisioning device over the location-limited channel (fig.3, [2.1]-[3]);

receiving from the provisioning over the bidirectional (not show) location-limited channel ([2.1]) at least one of provisioning information or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the wireless sensor, wherein the provisioning information includes a credential (fig.3, [2]-[3]) and wherein the credential facilitates the wireless sensor become a member of a secure credential infrastructure (fig.5, section 4.1, [1]-[2]); and

Balfanz fails to specifically disclose providing a security credential to a medical wireless sensor associated with a patient at an enrollment station associated with a medical facility.

However, Weiner teaches providing a security credential ([0058]) to a medical wireless sensor associated with a patient (item 22) at an enrollment station associated with a medical facility ([0099]-[0110]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Weiner to Balfanz to detect the identity of the particular patient and inform the central station of the identity of that particular patient.

Balfanz and Weiner fail to specifically disclose receiving at least one of provisioning information or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the wireless sensor.

However, Hermann teaches receiving at least one of provisioning information ([0020]) or additional application-specific information, site-specific information, network-specific information, or other information that can be used by the wireless sensor ([0021]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hermann to Balfanz and Weiner to prevent any accidental information exchange.

and, Balfanz, Weiner and Hermann fail to specifically disclose automatically configuring the wireless sensor for transmitting sensor information over a secure communication channel responsive to the provisioning information.

However, Lowensohn teaches automatically configuring the wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to the provisioning information (fig.1, and 4, [0009]-[0010], [0059]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz, Weiner and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Weiner, Hermann and Lowensohn fail to specifically disclose a bidirectional; and receiving from the provisioning over the bidirectional.

However, Hein teaches a bidirectional ([0006]); and receiving from the provisioning over the bidirectional ([0006]-[0007] and [0087]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hein to Balfanz, Weiner, Hermann and Lownsohn to provide program to be executed can be done in a simple and securer way.

Regarding claim 8, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer-readable storage medium of claim 7, wherein the provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 9, Balfanz, Weiner, Lowensohn, and Hein further teach the computer-readable storage medium of claim 7, wherein the provisioning

information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 10, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer-readable storage medium of claim 9, further comprising transmitting the sensor information over the secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 11, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer-readable storage medium of claim 7, wherein the provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, [0038], [0043]).

Regarding claim 12, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the computer-readable storage medium of claim 7, wherein the wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 13, Balfanz teaches a wireless apparatus comprising:

at least one port configured to establish a bidirectional (not show) location-limited channel (fig.3, section 3.2, [2]);

a preferred channel communication mechanism configured to establish communication with a provisioning device over the bidirectional (not show) location-

limited channel (fig.3, [2.1]), the preferred channel communication mechanism further

configured to send the security credential to the provisioning device over a <u>bidirectional</u>

(not show) location-limited channel (fig.3, [2.1]-[3]) and to receive commitment from said

provisioning device over the <u>bidirectional</u> (not show) location-limited channel (fig.3,

[2.1]-[3]);

     a receiver mechanism configured to receive <u>from the provisioning over the</u>

<u>bidirectional (not show) location-limited channel</u> ([2.1]) at least one of provisioning

information or additional application-specific information, site-specific information,

network-specific information, or other information that can be used by the wireless

sensor, wherein the provisioning information includes a credential (fig.3, [2]-[3]) and

wherein the credential facilitates the wireless sensor become a member of a secure

credential infrastructure (fig.5, section 4.1, [1]-[2]); and

     Balfanz fails to specifically disclose a mechanism configured to provide a security

credential to a medical wireless sensor associated with a patient at an enrollment

station associated with a medical facility.

     However, Weiner teaches a mechanism configured to provide a security

credential ([0058]) to a medical wireless sensor associated with a patient (item 22) at an

enrollment station associated with a medical facility ([0099]-[0110]).

     Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Weiner to Balfanz to detect the

identity of the particular patient and inform the central station of the identity of that

particular patient.

Balfanz and Weiner fail to specifically disclose a receiver mechanism configured

to receive at least one of provisioning information or additional application-specific

information, site-specific information, network-specific information, or other information

that can be used by the wireless sensor.

However, Hermann teaches a receiver mechanism configured to receive at least

one of provisioning information ([0020]) or additional application-specific information,

site-specific information, network-specific information, or other information that can be

used by the wireless sensor ([0021]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to apply the teaching of Hermann to Balfanz and

Weiner to prevent any accidental information exchange.

Balfanz, Weiner and Hermann fail to specifically disclose an automatic

configuration mechanism to enable the wireless sensor to transmit sensor information

over a secure communication channel established responsive to said provisioning

information.

However, Lowensohn teaches an automatic configuration mechanism to enable

the wireless sensor (fig.1, barb badge 100) to transmit sensor information over a secure

communication channel established responsive to said provisioning information (fig.1, and 4, [0009]-[0010], [0059]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to Balfanz, Weiner and Hermann to detect the user orientation in the environment and security the information of user.

Balfanz, Weiner, Hermann and Lowensohn fail to specifically disclose a bidirectional; and receiving from the provisioning over the bidirectional.

However, Hein teaches a bidirectional ([0006]); and receiving from the provisioning over the bidirectional ([0006]-[0007] and [0087]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Hein to Balfanz, Weiner, Hermann and Lownsohn to provide program to be executed can be done in a simple and securer way.

Regarding claim 14, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the apparatus of claim 13, wherein the provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 15, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the apparatus of claim 13, wherein the provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access

data, physician data, caregiver data, nurse data, insurance data, room assignment data,

sensitivity data, target data, image recognition data, activation data, or noise

characteristics (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 16, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the apparatus of claim 15, further comprising a transmission mechanism

configured to transmit the sensor information over the secure communication channel

(see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 17, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the apparatus of claim 13, further comprising a sensor for measuring the sensor

information (see Lowensohn, [0009]-[0010], [0038], [0043]).

Regarding claim 18, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the apparatus of claim 13, wherein the wireless sensor senses one or more of

medical information, location information, proximity information, environmental

information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 19, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the apparatus of claim 13, wherein the sensor information is status information

about the apparatus (see Lowensohn, fig.1, and 14a, [0009]-[0010], [0037]).

Regarding claim 20, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the computer controlled method of claim 1, wherein the bidirectional location-

limited channel (see Balfanz, [2.1]) comprises a single bidirectional channel capable of

communicating both from the wireless sensor to the provisioning device (see Balfanz,

fig.3, section 3.1, [2]-[3]) and from the provisioning device to the wireless sensor (see

Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 21, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the computer controlled method of claim 1, wherein the bidirectional location-

limited channel comprises two separate channels, including a first location-limited

capable of communicating from said wireless sensor to said provisioning device (see

Balfanz, fig.3, section 3.1, [2]-[3]) and a second location-limited channel capable of

communicating from said provisioning device to said wireless sensor (see Balfanz, fig.3,

section 3.1, [2]-[3]).

Regarding claim 22, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the computer-readable storage medium of claim 7, wherein the bidirectional

location-limited channel comprises a single location-limited channel capable of

communicating both from said wireless sensor to said provisioning device (see Balfanz,

fig.3, section 3.1, [2]-[3]) and from the provisioning device to the wireless sensor (see

Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 23, Balfanz, Weiner, Hermann, Lowensohn, and Hein further

teach the computer-readable storage medium of claim 7, wherein the bidirectional

location-limited channel comprises two separate channels, including a first location-

limited channel capable of communicating from said wireless sensor to said provisioning

device (see Balfanz, fig.3, section 3.1, [2]-[3]) and a second location-limited channel

capable of communicating from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 24, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the apparatus of claim 13, wherein the bidirectional location-limited channel comprises a single location-limited channel capable of communicating both from the wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and from the provisioning device to the wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 25, Balfanz, Weiner, Hermann, Lowensohn, and Hein further teach the apparatus of claim 13, wherein the bidirectional location-limited channel comprises two separate channels, including a first location-limited channel capable of communicating from the wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and a second location-limited channel capable of communicating from the provisioning device to the wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KHAI M. NGUYEN whose telephone number is

(571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617   3/20/2009